

20.09.2021
Item no.37
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 2757 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 16.03.2021 in connection with Raiganj Police Station Case No. 29 of 2021 dated 09.03.2021 under Sections 448/376 of the Indian Penal Code.

And

In the matter of : Kanu Das.

.....Petitioner.

Ms. Minoti Gomes, Advocate,
.....for the Petitioner.

Mr. S.S. Imam, Advocate,
Mr. A. Manna, Advocate,
.....for the State.

The allegation is that the petitioner raped the de facto complainant.

The petitioner says that he has an amorous relationship with the complainant who is a married lady. When the husband of the complainant caught them together, the present false complaint has been lodged.

We have seen the statements of the victim recorded under Section 164 of the Code of Criminal Procedure. It is devoid of all particulars and only a bald allegation is there. The Medical Report reveals no injury at all.

On an over all assessment of the material in the case diary and nature and gravity of the allegation, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner namely **Kanu Das** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2757 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)